

Serial no. 10/736,155 - Hatfield et al.

Remarks

Claims 1-5, 7, 8, 10, and 11 are now of record in this application. Claims 6 and 12 have been cancelled without prejudice (claim 9 was canceled previously). No claims have been amended or added. Applicants reserve the right to file a continuation application drawn to the subject matter of cancelled claims 6 and 12.

Allowed Claims

Applicants kindly thank the Examiner for indicating that claims 1-5, 7, 8, 10, and 11 are allowable.

Rejection Under 35 U.S.C. 112, First Paragraph

Claims 6 and 12 have been rejected under 35 U.S.C. 112, first paragraph, as failing to clearly set forth the process steps for making the product.

In response, applicants note that claims 6 and 12 depended from claims 1 and 7, respectively, which claims recited the process steps for making the product. However, claims 6 and 12 have been cancelled in an effort to expedite prosecution.

Rejection Under 35 U.S.C. 102

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Claims 6 and 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Ashomko et al. Applicants respectfully disagree.

Ashomko discloses preparing ensiled crops by treating the crop material with an additive including microbial biomass or an enzyme containing solution, together with salt and Swiss chard beet pulp extraction cake.

The instant invention is drawn to a method for inhibiting proteolysis of silage by pretreating the forage with a plant-derived polyphenol oxidase (PPO) in conjunction with an o-diphenol compound. In accordance with this invention, treatment of the forage with the PPO and o-diphenol compound prevents excessive pyrolysis of proteins. This is not disclosed or suggested by Ashomko.

Although Ashomko discloses a silage treatment, the reference merely discloses treating the silage with "an enzyme contg. solution" (presumably the microbial biomass of the title), salt, and Swiss chard beet pulp. The reference does not disclose or suggest treatment with PPO or an o-diphenol compound. Thus, it appears that the rejection is based upon a conclusion of inherency. However, applicants respectfully submit that there is no evidence that the enzyme solution or Swiss chard beet pulp of Ashomko contain either PPO or an o-diphenol compound, much less

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both of these compounds. Thus, the treated silage of Ashomko would not be the same as the claimed silage. However, the rejected claims have nonetheless been cancelled in an effort to expedite prosecution. Again, applicants reserve the right to file a continuation application drawn to the subject matter of these cancelled claims.

In view of the foregoing, applicants respectfully submit that claims 1-5, 7, 8, 10, and 11 satisfy the requirements of 35 U.S.C. 112 and distinguish over the prior art of record. Allowance thereof is respectfully requested.

Respectfully submitted,



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